

**REMARKS**

Claims 1-17 are pending in the application. Applicant has amended Claims 1, 4, 6, 8-11, 13, 14, 16 and 17. No new Claims have been added. Claim 18 was canceled in a previous response. No new matter has been added. **This amendment is being filed less than 2 months from the final office action mailing date.**

Applicant is responding to a final action. Applicant respectfully submits that the amendments presented above should be entered pursuant to 37 CFR § 1.116 because (1) the amendments present the rejected claims in better form for consideration on appeal, and/or (2) the amendments, which touch the merits of the application, are necessary and were not earlier presented for good and sufficient reasons. As for putting the claims in better form for appeal, Applicant respectfully submits that these amendments provide precise distinctions vis-à-vis the prior art and clarify the issues that would be presented on appeal. The amendments were not earlier presented because the nature of the Examiner's specific rejections was not apparent to Applicant prior to the Examiner-Applicant interview on Tuesday, May 16, 2006. Applicant is therefore presenting these amendments as soon after that conference as possible.

Applicant would like to thank the Examiner for granting and participating in a telephone interview of this case on Tuesday, May 16, 2006. The Examiner's consideration and assistance is greatly appreciated. Applicant's counsel, C. Thomas Sylke, and the Examiner discussed proposed amendments to independent Claims 1, 8 and 11 (which amendments are incorporated herein) and the § 102 and § 103 rejections of the pending claims in the final office action. The Examiner was unable to confirm allowance

United States Serial No. 10/848,926

Page 10 of 14

of any claims during the interview; however, the Examiner and Applicant's counsel discussed amendments distinguishing Applicant's claimed invention from:

- the ratchet-type and other non-frictional braking devices (for example, Cunningham and Swartwout); and
- in-plane types of braking configurations (for example, Newport).

Moreover, the proposed amendments illustrated the further advantages of Applicant's claimed invention as discussed in more detail below. Applicant respectfully requests that the Examiner telephone Applicant's counsel if there are any further issues that can be considered, discussed and/or resolved by telephone conference.

**Rejection under 35 U.S.C. § 102(b) - Cunningham**

The Examiner has rejected Claims 1-3, 7-13, 15 and 16 under 35 U.S.C. § 102(b) as being anticipated by Cunningham. As part of this rejection, the Examiner has asserted that a "pad is interpreted as the element that contacts the element to be braked against in order to stop the relative motion." Applicant respectfully traverses this rejection. The amendments to Claims 1, 8 and 11 clearly distinguish Applicant's claimed invention from the Cunningham disclosure by specifying that the brake pads of the present invention move "into frictional engagement" with the motor housing outer surface. This frictional engagement allows Applicant's claimed brake to operate in a bi-directional fashion, unlike the ratchet-type brake of Cunningham.

Further, the brake shoes 10 of Cunningham pivot on axes that are parallel to the motor shaft rotational axis. Claims 1, 8 and 11 specify that the brake shoes of

Applicant's claimed invention rotate using hinges that have rotational axes that are perpendicular to the motor shaft rotational axis. Among other things, Applicant's configuration allows the biasing springs to work on more than one brake shoe at a time, unlike the Cunningham configuration.

Finally, Applicant's claimed invention of Claims 1, 8 and 11 includes the limitation that the brake pads frictionally engage the outer surface of the motor housing. This allows greater braking force to be applied to the motor shaft as a result of using a large radius torque arrangement, which maximizes the spring or other biasing forces without the need for additional structures one a given motor incorporating the claimed brake. Moreover, such a structure permits adaptation of the claimed invention to virtually any symmetrical motor housing outer surface, without the need for additional parts and/or complicated centering operations that can affect performance.

Based on the foregoing, Applicant respectfully submits that application of the Cunningham reference to the pending claims is inappropriate. Moreover, even if Cunningham is applicable to the claims, Cunningham neither anticipates nor renders obvious the subject matter of the above-referenced claims. Applicant therefore respectfully requests withdrawal of the rejection of Claims 1-3, 7-13, 15 and 16.

**Rejection under 35 U.S.C. § 103(a) - Newport + Swartwout**

The Examiner has rejected Claims 1-17 under 35 U.S.C. § 103(a) as being unpatentable over Newport in view of Swartwout. The Examiner asserts grounds generally similar to those asserted in the first office action.

United States Serial No. 10/848,926

Page 12 of 14

Applicant respectfully traverses the Examiner's rejection for the reasons stated below. Applicant also refers to the description of Newport and Swartwout from Applicant's prior response to the first office action.

The use of the hinge structure claimed in the Applicant's claimed invention (as opposed to the linear, "in-plane" spring structure of Newport) allows the brake pads to be applied outside the plane of the brake's rotational hub or support, which is mounted to the motor drive shaft. This permits retrofitting or other attachment to a motor drive shaft that is substantially simpler and less costly than earlier brakes, as noted above.

Newport requires the mounting of a drum 38 having a braking surface 50 because the structure of Newport cannot engage the wide radius surface of the motor housing (the translational, linear movement of the Newport brake cannot extend outside the motor's housing to engage that housing's outer surface, which is substantially more advantageous for torque and ease of manufacture and operation).

Swartwout does not teach or suggest the structure in Applicant's claimed invention because Swartwout does not use frictional engagement in connection with Swartwout's hinged arms. Instead, Swartwout uses a "blocking" type of stop, which means that wide radius torque-related frictional forces are not even contemplated in Swartwout. Therefore, Swartwout alone does not teach or suggest the claimed subject matter. Moreover, the combination of Swartwout and Newport would not lead to the present invention for the same reasons discussed above. Neither teaches or suggests the benefits of wide radius torque/frictional engagement of the braking surface outside the perpendicular plane defined by the mounting point of the brake to the motor drive shaft.

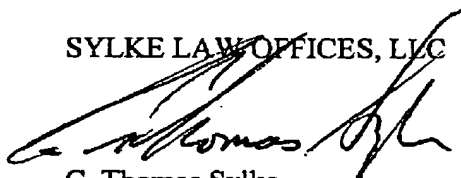
Applicant's claimed invention can be mounted to the drive shaft at a given axial point on the drive shaft rotational axis, but engage the braking surface outside the perpendicular plane of the mounting point of the drive shaft rotational axis. This means that Applicant's claimed invention can be applied to a wider variety of braking environments than earlier brakes.

For the foregoing reasons, Applicant respectfully submits that the pending claims are allowable. Applicant respectfully requests allowance at an early date. Applicant's counsel would be happy to discuss any questions the Examiner might have concerning the application by telephone at the Examiner's convenience.

Dated: May 19, 2006

Respectfully submitted,

SYLKE LAW OFFICES, LLC



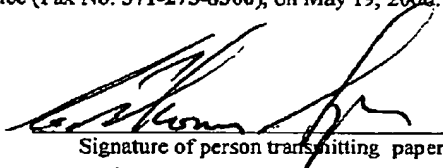
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached cover sheet and attachments are being transmitted by facsimile to Mail Stop AF at the United States Patent and Trademark Office (Fax No. 571-273-8300), on May 19, 2006.

C. Thomas Sylke  
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United States Serial No. 10/848,926

Page 14 of 14